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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,441	08/07/2006	Shinichi Kamiya	Q96345	8387
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EXAMINER				
VOLZ, ELIZABETH J				
ART UNIT		PAPER NUMBER		
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03/06/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/588,441

**Applicant(s)**

KAMIYA, SHINICHI

**Examiner**

ELIZABETH VOLZ

**Art Unit**

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) 12 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 8/7/06, 4/6/07, 9/30/08  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is responsive to the restriction response filed on 1/2/09. As directed by the restriction response: Group I, Claims 1-11, have been elected and Group II, Claim 12, has been withdrawn.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Otsuki et al. (JP07-235881; see attached machine translation and original figures).

4. Regarding Claim 1, Otsuki et al. discloses an electronic apparatus comprising: a body 7 (Figure 3b) including a first attached body portion 10 (Figure 3b) and a second attached body portion 9 (Figure 3b); and a terminal protection cover 1 (Figure 3) including a first attaching cover portion 26 (Figure 9) and a second attaching cover portion 25 (Figure 9), wherein after said first attaching cover portion is attached to said first attached body portion, said second attaching cover portion is rotated around said first attaching cover portion and said second attaching cover portion is fitted to said second attached body portion (Figure 9).

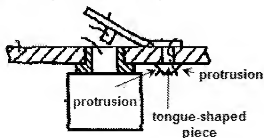
5. Regarding Claim 2, Otsuki et al. discloses a first attached body portion 10 (Figure 3b) and a second attached body portion 9 (Figure 3b) are a first opening and a second opening aligned in a first direction (Figure 3b), said first attaching cover portion 26

(Figure 9) and said second attaching cover portion 26 (Figure 9) are respectively a rotational shaft portion 5 (Figure 3a) to be inserted into said first opening and a cover main portion to be fitted into said second opening, and after said rotational shaft portion is inserted into said first opening, said cover main portion is rotated around said rotational shaft portion and said cover main portion is fitted into said second opening.

6. Regarding Claim 3, Otsuki et al. discloses a first opening 10 (Figure 3b) which is an oval having its longitudinal direction in a second direction, a second opening 9 (Figure 3b) is a rectangular having its longitudinal direction in said first direction, said rotational shaft portion includes a cylindrical shaft 27a (Figure 9) and a hook 27 (Figure 9) at the distal end of said shaft, said cover main portion has a shape to be fitted into said second opening, and after said shaft and hook are inserted into said oval opening, said cover main portion is rotated around said shaft and said cover main portion is fitted into said rectangular opening (Figure 9).

7. Regarding Claim 4, Otsuki et al. discloses a hook 27 (Figure 9) which includes a tongue-shaped piece (Figure 9 below) and a protrusion 27b (Figure 9) in the longitudinal direction of said cover main portion, with said shaft intervening therebetween.

**Figure 9 (Otsuki et al)**



8. Regarding Claim 5, Otsuki et al. discloses a hook 27 (Figure 9) which includes a tongue-shaped piece (Figure 9 above) and a protrusion 27b (Figure 9) in the longitudinal direction of said cover main portion, with said shaft intervening therebetween, and two small protrusions (Figure 9 above) arranged in a direction perpendicular to the longitudinal direction of said cover main body, with said shaft intervening.
9. Regarding Claim 6, Otsuki et al. discloses a terminal protection cover which is made from elastic material (Paragraph 3).
10. Regarding Claim 7, Otsuki et al. discloses one portion of said second attaching cover portion is cut away according to a shape of said first attached body portion (Figure 3a).
11. Regarding Claim 8, Otsuki et al. discloses by cutting away one portion of said second attaching cover portion, said second attaching cover portion is tapered (Figure 3a).
12. Regarding Claim 9, Otsuki et al. discloses a rib 9b (Figure 3b) extending toward a direction of the inner diameter which is provided in said first attached body portion at the inner portion corresponding to said first attaching cover portion.
13. Regarding Claim 10, Otsuki et al. discloses a rib 9b (Figure 3b) which is formed into a shape having an inclined cross section tapering inwardly from the outside of said body.
14. Regarding Claim 11, Otsuki et al. discloses an electronic apparatus is a mobile phone (i.e. field radio, Paragraph 2).

15. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571) 270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./  
Examiner, Art Unit 3781

/Anthony D Stashick/  
Supervisory Patent Examiner, Art  
Unit 3781